

Remarks

In response to the restriction requirement of August 19, 2008, applicants elect provisionally, with traverse, **Group I**, claim(s) 38-44, 46, 47, 49-53, 55-57, 60, 61, and 63-65, drawn to a device for treating biological material.

The Office had restricted the claims into two groups:

Group I, claim(s) 38-44, 46, 47, 49-53, 55-57, 60, 61, and 63-65, drawn to a device for treating biological material.

Group II, claim(s) 66, 67, 69-76 and 79-81, drawn to a method for treating biological material.

Claim 38 and 66 are in independent form.

The Office expressed the opinion that the two groups do not relate to form a single general inventive concept under PCT Rule 13.1.

The Office identified as the common technical feature of the two groups "an inner space for receiving biological material with at least one electrode for generating an electrical field." (bottom of page 2)

The Office further expressed the opinion that this feature cannot be a "special" technical feature under PCT Rule 31.2 because the element is shown in prior art U.S. Patent 4,441,972, which is said to show an inner space with at least one electrode for generating an electrical field which will align the cells contiguously between two electrodes when exposed to a direct current impulse. Accordingly, the Office came to

the conclusion that the common technical feature linking the invention, namely the inner space and electrode, does not provide a contribution over this prior art and no single general inventive concept exists.

Applicants respectfully traverse this restriction for the following reasons:

Independent group I claim 38 is directed to a device and requires:

"an inner space for receiving said biological material, . . .
at least one *reservoir* for receiving a solution,
. . ., and
wherein said inner space of said chamber and said reservoir are separated from each other by a separating unit" (*emphasis added*)

Independent group II claim is directed to a method and requires:

"at least one electrode which is placed in contact with said inner space . . .
reservoir containing said solution . . .
wherein a separating unit which separates said inner space of said chamber from said reservoir" (*emphasis added*)

Applicants respectfully submit that US 4,441,972 does not disclose such a reservoir nor such a separating unit, which are common technical features of the group I and II claims. The cited art does not disclose these special technical features that establish a technical relationship between the group I and group II claims.

Applicants submit that, for the reasons stated above, the inventions of groups I and II should be examined together. Reconsideration of the restriction requirement is respectfully requested.

No fee is believed to be due with this response. However, the Office is authorized to charge any fee deficiencies and overpayments to undersign's deposit account no. 50-3135.

Respectfully submitted,

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